

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **RESPIRATORY CARE EXAMINERS**

3 In the Matter of:

4 **DELISA ELLIS**

5 Holder of License No. 043702
6 For the Practice of Respiratory Care
7 In the State of Arizona

8 Respondent.

Board Case No. 2020-RCE-0082
2021-RCE-0008

DECISION AND ORDER

9 **INTRODUCTION**

10 On or about September 3, 2021, the Arizona State Board of Respiratory Care
11 Examiners (“Board”) issued Delisa Ellis (“Respondent”) a Complaint and Notice of
12 Hearing, notifying her that this matter was scheduled for a hearing before the Board on
13 October 21, 2021. The Complaint and Notice of Hearing notified Respondent that,
14 pursuant to A.R.S. § 32-3553(K), she was required to prepare and file with the Board an
15 Answer to the allegations in the Complaint within 30 days after service. It further notified
16 Respondent that her failure to respond within 30 days would be deemed an admission by
17 default of the acts charged in the Complaint. Pursuant to A.R.S. § 32-3553(J), if notice of
18 the hearing is served by certified mail, service is complete on the date the notice is placed
19 in the mail. The Complaint and Notice of Hearing was mailed by first-class and certified
20 mail on September 3, 2021 to Respondent’s address of record, and was also sent to her
21 electronic mail address on September 2, 2021. Respondent’s Answer was due on or
22 before October 4, 2021. Respondent failed to file an Answer.

23 On February 17, 2022, the Board convened to consider the State’s Motion to
24 Vacate Hearing and Deem the Allegations in Complaint as Admitted and the imposition
25 of the appropriate disciplinary action(s). Despite being properly noticed, Respondent did
26 not appear nor was she represented by legal counsel. Assistant Attorney General Justin

1 Larson represented the State. Assistant Attorney General Monique Coady, of the
2 Licensing and Enforcement Section of the Attorney General’s Office, provided
3 independent legal advice to the Board. The Board, after due consideration, granted the
4 State’s Motion and issues the following Findings of Fact, Conclusions of Law and Order
5 (“Decision and Order”):

6 **FINDINGS OF FACT**

7 1. The Board is the duly constituted agency for licensing and regulating of the
8 practice of respiratory care in the State of Arizona and has jurisdiction over Respondent
9 as a licensee of the Board and the subject matter pursuant to A.R.S. § 32-3501, et seq.

10 2. Respondent is the holder of License Number 006205 which enables her to
11 practice respiratory care in the State of Arizona.

12 3. Respondent has been licensed to practice respiratory care in the State of
13 Arizona since July 14, 2020, and Respondent’s license to practice respiratory care was
14 active until July 22, 2021.

15 4. On July 23, 2020, the Board received information from Respondent’s
16 employer that she had abandoned her patients “during the COVID crisis” and left her
17 position at Dignity Hospital without notice.

18 5. On January 18, 2021, the Board received information from another of
19 Respondent’s employers that she had failed to attend her shifts or call-out on two separate
20 occasions on January 2 and January 4, 2021. Respondent was working for Banner
21 Healthcare at the time this conduct was reported. When contacted by her employer
22 regarding a welfare check on January 5, 2021, Respondent replied back that she would be
23 resigning effective immediately.

24 6. On February 3, 2021, the Respondent replied to the notice of allegations. In
25 her response she admitted to the allegations, including a “no-call, no-show” on two
26 separate occasions in January. The Respondent indicated that she was experiencing

1 ongoing medical issues, as well as the sudden loss of two family members around the
2 same time as the alleged conduct.

3 7. On April 8, 2021, the Board sent notification to the Respondent regarding
4 her informal interview in the above matters. Respondent replied the same day stating that
5 she would not be attending the meeting and wanted to forfeit her license, as she was
6 accepting a position in a new career field.

7 8. At its June 9, 2021 special meeting, the Board, after reviewing the factual
8 allegations and the responses by the Respondent, including that the Respondent was not
9 willing to participate, voted to move this matter to a formal hearing for possible
10 revocation of license.

11 **CONCLUSIONS OF LAW**

12 1. The conduct described in the Findings of Fact constitutes grounds for
13 disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of
14 A.R.S. § 32-3501(g) which states, “Immorality or misconduct that tends to discredit the
15 respiratory therapy profession.”

16 2. The conduct described in the Findings of Fact constitutes grounds for
17 disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of
18 A.R.S. § 32-3501(i) which states, “Any conduct or practice which is contrary to
19 recognized standards of ethics of the respiratory therapy profession or any conduct or
20 practice which does or might constitute a danger to the health, welfare or safety of the
21 patient or the public.”

22 3. The conduct described in the Findings of Fact constitutes grounds for
23 disciplinary action pursuant to A.R.S. §§ 32-3552(A)(3) and violates the provisions of
24 A.R.S. § 32-3501(k), which states, “Violating or attempting to violate, directly or
25 indirectly, or assisting in or abetting the violation of or conspiring to violate a provision
26 of this chapter.”

1 ORIGINAL OF THE FOREGOING FILED
This 24th day of February, 2022, with:

2
3 Arizona Board of Respiratory Examiners
1740 West Adams Street, Suite 3406
4 Phoenix, Arizona 85007

5 COPY OF THE FOREGOING EMAILED AND MAILED
BY CERTIFIED & REGULAR FIRST-CLASS MAIL
6 This 24th day of February, 2022, to:

7 Delisa C. Ellis
16220 North 7th Street, Apt. 1310
8 Phoenix, Arizona 85022

9 COPY OF THE FOREGOING MAILED
This 24th day of February, 2022, to:

10
11 Justin Larson
Assistant Attorney General
12 2005 N. Central Avenue, SGD/LES
Phoenix, Arizona 85004
13 Attorney for the State

14 Monique Coady
Assistant Attorney General
15 2005 N. Central Avenue, SGD/PLS
Phoenix, Arizona 85004
16 Independent Attorney Advisor